



Dkt. 0687/74768-BA-PCT-US/JPW/GJG/MJP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Michael Wayne Graham and Robert Norman Rice

Serial No. : 10/646,070 Examiner : Whiteman, Brian A.

Filed : August 22, 2003 Art Unit : 1635

For : CONTROL OF GENE EXPRESSION

30 Rockefeller Plaza
20TH Floor
New York, New York 10112
May 11, 2009

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

This Supplemental Information Disclosure Statement is being filed concurrently with Applicants' Amendment in Response to the November 4, 2008 Final Office Action and with two additional Supplemental Information Disclosure Statements. In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicants direct the Examiner's attention to the following references, which are listed on the Form PTO-1449 (Substitute) attached hereto as **Exhibit A**.

According to 37 C.F.R. § 1.97(c), a Supplemental Information Disclosure Statement filed after the period specified in 37 C.F.R. § 1.97(b) shall be considered if accompanied by the fee set forth in 37 C.F.R. § 1.17(p) or a statement under 37 C.F.R. § 1.97(e). The required fee set forth in 37 C.F.R. § 1.17(p) is one hundred and eighty dollars (\$180.00) and a check for this

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amount was enclosed with one of three Supplemental Information Disclosure Statements filed concurrently herewith.

Copies of items 1 and 2 are attached hereto as **Exhibits B and C**, respectively. The Examiner is respectfully requested to make these references of record in the above-identified application by initialing and returning a copy of the enclosed Form PTO-1449 (Substitute).

1. Third party observations under article 115 EPC against European Patent Application EP 98964202.0 in the name of Carnegie Institution of Washington; and
2. de Feyter R et al. (1996) "A ribozyme gene and an antisense gene are equally effective in conferring resistance to tobacco mosaic virus on transgenic tobacco" Mol Gen Genet. 250: 329-338.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

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No fee is deemed necessary in connection with the filing of this Supplemental Information Disclosure Statement. However, if any fee is required authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White
Registration No. 28,678
Gary J. Gershik
Registration No. 39,992
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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

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 5/11/09
Gary J. Gershik Date

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Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

This Supplemental Information Disclosure Statement is being submitted to bring to the Examiner's attention the listed submission in a related application. This Supplemental Information Disclosure Statement is being filed concurrently with Applicants' Amendment in Response to the November 4, 2008 Final Office Action and with two additional Supplemental Information Disclosure Statements. In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicants direct the Examiner's attention to the following reference, which is listed on the Form PTO-1449 (Substitute) attached hereto as **Exhibit A**.

According to 37 C.F.R. § 1.97(c), a Supplemental Information Disclosure Statement filed after the period specified in 37 C.F.R. § 1.97(b) shall be considered if accompanied by the fee set forth in 37 C.F.R. § 1.17(p) or a statement under 37 C.F.R. § 1.97(e). The required fee set forth in 37 C.F.R. § 1.17(p) is

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one hundred and eighty dollars (\$180.00) and a check for this amount was enclosed with one of three Supplemental Information Disclosure Statements filed concurrently herewith.

A copy of item 1 has not been included in accordance with 37 C.F.R. § 1.98(a)(2)(ii). Applicants respectfully direct the Examiner to the Image File Wrapper of the appropriate related application for a copy of the reference. The Examiner is respectfully requested to make this reference of record in the above-identified application by initialing and returning a copy of the enclosed Form PTO-1449 (Substitute).

1. Suggestion of Interference Pursuant to 37 C.F.R. § 41.202, submitted April 15, 2009, in connection with U.S. Serial No. 11/364,183, filed March 1, 2006, including attachments thereto.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

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No fee is deemed necessary in connection with the filing of this Supplemental Information Disclosure Statement. However, if any fee is required authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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Date

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